

The comments of the Wyoming Stock Growers Association are attached and copied below.

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received
5-24-04

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May 24, 2004

Angela C. Snyder
Office of the Deputy Administrator
Agricultural Marketing Service (AMS) USDA
1400 Independence Ave, SW
STOP 0256, Room 3932 South
Washington, DC 20250

RE: Docket No. PY-02-006—Organic Exemption

Dear Ms. Snyder:

The Wyoming Stock Growers Association (WSGA), with over 1200 members, has represented Wyoming cattle producers for over 133 years. We appreciate this opportunity to comment on the above referenced rule as it is proposed to apply to the beef industry.

While consideration of the implications of the organic exception are beyond the scope of this rule-making process, we express our strongest objection to the granting of an exemption to the Beef Checkoff to persons producing and marketing 100% organic products. Beef checkoff dollars are directed toward product research and promotion that have successfully increased demand for beef both domestically and globally. This demand provides a benefit to all beef producers without respect to any particular niche market or specialized product that an individual may choose to market. All producers should share equally in the cost of this industry program.

With respect to the proposed regulation, WSGA has three primary concerns. First, the definition

of “produce” is overly broad and in direct conflict with the Beef Promotion and Research Act. This Act states, “The term ‘producer’ means any person who owns or acquires ownership of cattle, except that a person shall not be considered to be a producer if the person’s only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee or other service fee.” Only producers, as defined in the Act should be eligible for potential exemption under the proposed rule.

Second, under the proposed rule, an animal could be exempt at the first point of change of ownership, but lose that exemption prior to a later assessment point. An example would be a calf raised on a certified organic cow-calf operation but finished in a non-certified feedlot. This animal will have escaped the first point of checkoff. It is the position of WSGA that a provision should be made for recovery of any checkoff assessment avoided on an animal that later loses its exempt status.

Finally, it is important that all sellers, purchasers and handlers of beef can access full disclosure of animals that have been exempt from the checkoff payment. WSGA requests that USDA, AMS, establish and maintain a publicly available database indicating the name and address of any exempt person and the period for which the exemption has been granted.

In addition to the comments above, WSGA wishes to express our support for the more technical comments submitted by the Wyoming Beef Council.

Sincerely,



Jim Magagna
Executive Vice President